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MINUTES OF THE MEETING

of the Council Assessment Panel of Mount Barker District Council held in the Council Chambers of the Local Government Centre, 6 Dutton Road Mount Barker on Wednesday 17 June 2020, commencing at 9.30 am.

PRESENT

**(Members)** Tom Gregory (Presiding Member), Judith Urquhart, Carol Bailey.

**(Staff)** Manager – Planning, City Development (A Humphries), Planner, City Development (M Dickson), and the Minute Secretary (S Mann).

**1. APOLOGIES**

Nil.

**2. CONFLICT OF INTEREST DECLARATION**

Nil Declared.

**3. CONFIRMATION OF MINUTES**

Moved Judith Urquhart that the minutes for the meeting held on 20 May 2020 be taken as read and confirmed.

Seconded Carol Bailey

CARRIED  
CAP20200617.01

**4. REPORTS DEFERRED**

Nil.

**5. REPORTS BY OFFICERS**

**5.1 NON-COMPLYING APPLICATIONS**

Nil.

**5.2 CATEGORY 3 APPLICATIONS**

Nil.

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### 5.3 CATEGORY 2 APPLICATIONS

#### 5.3.1 SUMMARY DETAILS

<b>Application No.</b>	580/906/17
<b>Applicant</b>	L Persico
<b>Subject Land</b>	Lot 94 in D27647, CT 5372/596; Lot 93 in D27647, CT 5372/684; Lot 92 in D27647, CT 5372/685 and Lot 91 in D27647, CT 5372/686; 70-76 Hurling Drive MOUNT BARKER
<b>Ward</b>	Central Ward
<b>Proposal</b>	Child Care Centre including associated carparking, signage, retaining walls, fencing, landscaping and infrastructure
<b>Development Plan</b>	Mount Barker District Council – Consolidated 8 August 2017
<b>Development Plan Map References</b>	Map Mt/B 13 Concept Plan Map MtB/16
<b>Zone</b>	Local Centre Zone
<b>Form of Assessment</b>	Merit
<b>Public Notification</b>	Category 2
<b>Representations</b>	4
<b>Persons to be heard</b>	0
<b>Agency Consultation</b>	Nil
<b>Responsible Officer</b>	Michael Dickson
<b>Main Issues</b>	<ul style="list-style-type: none"><li>• Suitability of Land Use within the Zone</li><li>• Built form and Appearance</li><li>• Car Parking, Transport and Access</li><li>• Noise impacts</li></ul>
<b>Recommendation</b>	Development Plan Consent shall be granted subject to conditions, reserved matters and advisory notes.

9.35hrs Michael Beatrice, Architect for the Applicant responded to questions of the Panel.

The Panel discussed the application and reached the following decision;

Judith Urquhart moved that the Council Assessment Panel, with the discussed amendments:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan – Consolidated 8 August 2017.

RESOLVE to GRANT Development Plan Consent to the application by L Persico for a Child Care Centre including associated carparking, signage, retaining walls, fencing, landscaping and infrastructure at Lots 91-94 in D27647, 70-76 Hurling Drive MOUNT BARKER in Development Application 580/906/17 subject to the following conditions, reserved matters and advisory notes:

- (1) The development herein approved is to be carried out in accordance with the plans and details accompanying this application, except where amended by the following conditions, including:
  - Plans and details by Beatrice Building Designs:
    - Site Plan (Sheet PA01 of 04, Revision F, 06 December 2019)
    - Layout Plan (Sheet PA02 of 04, Revision I, 06 December 2019)
    - Upper Outdoor Play Area Plan (Sheet PA03 of 04, Revision H, 06 December 2019)
    - Elevations Plan (Sheet PA04 of 04, Revision F, 29 May 2020)
  - Civil Report and Details documentation by MQZ Consulting Engineers (Project No. 180115, Addendum B, dated 7 November 2019)
  - Environmental Noise Assessment report by Sonus titled *Mt Barker Childcare Centre, 70-76 Hurling Drive, Mount Barker* (Reference S6195C2, dated September 2019)
  - Car Parking Assessment Report by ML Traffic Engineers titled *Proposed Child Care Centre 70-76 Hurling Drive, Mount Barker* (Version 2.0, Reference A1815292S, dated February 2019)
- (2) All requirements in regard to the construction of driveways and carparks are to be met, including:
  - a. The driveway and car parking area shall be designed, drained, constructed and sealed with asphalt, pavers, or concrete providing both structural integrity and traction in both wet and dry conditions and include adequate stormwater drainage. The use of unbound materials (e.g. gravel or quarry rubble) is not acceptable.
  - b. The driveway crossover between the back of kerb and the boundary shall be shaped to provide a verge slope no greater than 2.5 per cent fall towards the road where a footpath is present and a maximum 5% where no footpath is present, suitable for pedestrian traffic and in accordance with Council's current standards.
  - c. The driveway and car parking areas shall be paved or surfaced, drained and marked to accepted engineering standards prior to the occupation of the development and shall be maintained in good condition at all times.

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- d. All car parks and any traffic control devices be designed and constructed in accordance with AS 2890 –Off-Street Car parking, AS 1742 Manual of Uniform Traffic Control Devices and the Notice to Council (Part 1 and 2) under the Road Traffic Act 1961 from the Minister for Transport and Urban Planning (December 1999).
- (3) All requirements in regards to stormwater are to be met, including:
- a. Management of stormwater shall occur generally in accordance with the Civil Plan & Details (Drawing no. C2, Issue P3, dated 07 November 2019) by MQZ Consulting Engineers.
  - b. All stormwater runoff from the site shall be discharged directly into the underground stormwater network located adjacent the site (i.e. not the street water table).
  - c. A system to improve stormwater quality shall be provided and constructed in a location and of a design to the reasonable satisfaction of Council to ensure that pollutants are trapped prior to exiting the site. The treatment system shall have a high capture efficiency for oils and petroleum/hydrocarbons.
  - d. All stormwater captured by roofing materials and hard sealed paving areas shall be discharged in a controlled manner so it does not impact upon adjoining properties or, in the opinion of Council, has the potential to cause nuisance or destabilise adjoining land.
  - e. All stormwater run-off from roofing materials shall be captured by water storage tanks on-site for re-use within the building (e.g. toilets) and for irrigation to the landscaped areas. Overflow from the water tanks shall be discharged directly into the underground stormwater network located adjacent the site.
- (4) An appropriate Stormwater, Erosion and Drainage Management Plan (SEDMP) in accordance with the EPA Stormwater Pollution Prevention Code of Practice must be prepared by an experienced and qualified consultant, to the satisfaction of the Council and must include a range of strategies to collect, treat, store and dispose of stormwater during construction while minimizing the release of pollutants into the environment. The measures recommended in the SEDMP must be in place, to Council satisfaction, prior to any earthworks commencing on site and maintained in good condition and remain in place until the site is sealed, stabilised or suitably re-vegetated in a manner to prevent erosion.
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- (5) All requirements in regard to the modification and protection of existing easements are to be met, including:
- a. Where cut or fill over an existing easement is to be undertaken, the owner must ensure that the wastewater and/or stormwater inspection point riser and lid matches finished surface level and is accessible for maintenance purposes (property owner responsible for all costs associated with modifications).
  - b. Where more than 500mm of fill is proposed over an easement, the class of pipe must be established and determined by Council as suitable for the amount of fill proposed. If required, the applicant shall upgrade the pipe accordingly.
  - c. Surfaces of easements must be free of any permanent structures including retaining walls and subsurface structures. Council may consider retaining structures that span the easement as interim structures, although note that removal of walls may be necessary when access to the easement is required (property owner responsible for all costs associated with removal and replacement of any structures within easement).
- (6) A refined landscaping plan and open style fencing plan to the satisfaction of Council is to be provided prior to the issuing of Development Approval.
- (7) Landscaping shall be established in accordance with the agreed landscaping plan received prior to the issuing of Development Approval within three (3) months of practical completion of the development. All landscaping and vegetation shall be irrigated, nurtured and maintained with any diseased or dying vegetation replaced.
- (8) Noise impact on adjoining land users is to be minimised through undertaking all works and ongoing operational aspects as recommended in the Environmental Noise Assessment (Reference S6195C4, December 2019) by Sonus, including:
- Boundary fences as detailed must be constructed from a solid material (not perforated or tubular) such as sheet steel (0.42 BMT "Colorbond" or similar subject to the same or greater surface density kg/m<sup>2</sup>) and be installed prior to commencement of operation of the child care centre;
  - Acoustic absorption material, such as 50mm thick insulation, must be installed to the play area side of the fences as detailed (excluding the open-style fencing along the Hurling Drive frontage) prior to the commencement of operation of the child care centre;
  - All fences (excluding the open-style fencing along the Hurling Drive frontage) and the glass balustrade to the upper level play area must be sealed airtight at all junctions, including at the ground, prior to the commencement of operation of the child care centre.
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- Acoustic absorption material, such as 50mm thick insulation, must be installed to the soffits above the play areas on the Hurling Drive (southern) side of the building for both the ground floor and first level play areas and be installed prior to commencement of operation of the child care centre. The absorption material shall be held in place using a material of minimum 15% open area, such as perforated sheet steel, timber slats or similar.
- (9) Traffic control devices (i.e. line marking and 'no parking' signs) shall be installed along both sides of Hughes Street directly adjacent the subject land prior to the commencement of operation of the child care centre in order to allow for the free flow of vehicular traffic. A detailed plan of such devices must be approved in writing by Council prior to the commencement of these works.
- (10) The hours of operation of the Child Care Centre shall be 6.00am to 7.00pm Monday to Friday.
- (11) The outdoor play areas (both ground level and upper level) must not be used prior to 7.00am on any day.
- (12) Any mechanical plant equipment shall be enclosed with a solid barrier in order to reduce noise disturbance to nearby residences to the reasonable satisfaction of Council.
- (13) Waste collection shall only occur between 7.00am and 10.00pm, consistent with the *Environment Protection (Noise) Policy 2007*.
- (14) Lighting shall:
- a. Be provided to the pedestrian areas, manoeuvring areas and car parks in accordance with AS 1158.1 Public Lighting Code and AS 2890.1 Parking facilities – Off-street car parking.
  - b. Be designed so as to limit overspill of light on adjacent roads and residential areas which may create a nuisance to any neighbour or road user, whilst providing adequate illumination on-site and to perimeters of the site for security purposes, to the reasonable satisfaction of Council.
  - c. Have non-illuminated elements to be of a material of low reflectivity to minimise impacts of sun/headlamp glare.
- (15) Effective measures are to be implemented during the construction of the development and on-going use of the land in accordance with this consent to:
- prevent silt and water run-off from the land to adjoining properties, roads and drains;
  - prevent erosion and damage caused by stormwater runoff leaving the site;
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- control dust arising from the construction and other activities, so as not to, in the opinion of Council, be a nuisance to residents or occupiers on adjacent or nearby land;
- ensure that soil or mud is not transferred onto the adjacent roadways by vehicles leaving the site;
- ensure that all litter and building waste is contained on the subject site in a suitable bin or enclosure;
- ensure that no sound is emitted from any device, plant or equipment or from any source or activity to become an unreasonable nuisance, in the opinion of Council, to the occupiers of adjacent land; and
- following construction, ensure all disturbed land is managed to prevent silt runoff, dust, nuisance stormwater flows and any other damaging impacts on the surrounding environment.

This will ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

#### **Reserved Matter**

- (16) An amended Civil Plan shall be provided detailing the stormwater runoff from the site being discharged directly into the underground stormwater network located adjacent the site (i.e. not the street water table).

#### **Council notes:**

- (1) Any person proposing to undertake building work within the District of Mount Barker is reminded of their obligation to take all reasonable measures to protect Council infrastructure. Any incidental damage to the infrastructure - pipes, footpath, verge, street trees etc. must be reinstated to a standard acceptable to Council at the applicants' expense.
- (2) As your proposed development includes construction works on Council roads or connections to Council assets, you are advised that an 'Undertake Works on Council Land - Driveway, Stormwater & Underground Electrical Services Permit Application' will need to be issued by Council prior to the commencement of the works. The permit application form is available on Council's website:  
[https://www.mountbarker.sa.gov.au/data/assets/pdf\\_file/0021/118704/Aplication\\_to\\_undertake\\_works\\_on\\_Council\\_land\\_DRIVEWAYS.pdf](https://www.mountbarker.sa.gov.au/data/assets/pdf_file/0021/118704/Aplication_to_undertake_works_on_Council_land_DRIVEWAYS.pdf)
- (3) As the development hereby approved includes plumbing work, an On-site Wastewater Works Application must be approved by Council prior to the commencement of building work for the approved development.

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- (4) Any proposed works shall not impact on the infrastructure located within easement(s). If any infrastructure is proposed to be built within easements, it shall be designed such that it can be easily removed in future to enable access to the underground service.
- (5) The State Planning system is currently in the process of significant planning reforms. As of October 2020 all Metropolitan Councils, including the Mount Barker District Council will be transferred to the Planning and Design Code under the Planning, Development and Infrastructure (PDI) Act 2016. The Planning and Design Code will replace all current Development Plans. Therefore, there may be shifts in the principles governing development within the district.  
Further details in relation to the Planning Reforms can be found at [https://www.saplanningportal.sa.gov.au/planning\\_reforms](https://www.saplanningportal.sa.gov.au/planning_reforms).
- (6) This Development Plan Consent is valid for a period of 12 months from the date of this authorisation and you must have obtained a Building Rules Consent and Development Approval within this period. Should Development Approval not be achieved within this timeframe, your consent will lapse and a new development application must be lodged, unless an extension is obtained. Should a request for an extension be made after October 2020, your request will be subject to the transitional provisions of the PDI Act.

Seconded Carol Bailey

CARRIED  
CAP20200617.02

#### **5.4 CATEGORY 1 APPLICATIONS**

Nil.

#### **6. INFORMATION REPORTS**

Nil

#### **7. CONFIDENTIAL REPORTS**

Nil.

#### **8. POLICY MATTERS ARISING FROM THIS AGENDA**

Nil.

#### **9. OTHER BUSINESS**

Nil.

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**10. CLOSURE**

Meeting declared closed at 10.07 hrs

  
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CHAIRMAN

15/7/20  
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DATE